

CY 14, 5.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

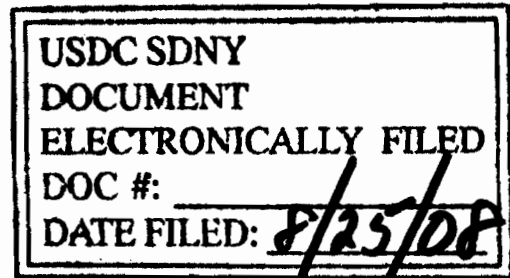
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PHILLIPS VAN HEUSEN CORP.,

Plaintiff,

-against-

M/V "APL CANADA", her engines, boilers, etc.
and MITSUI O.S.K. LINES LTD.,

Defendant.
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**VOLUNTARY DISMISSAL
AND ORDER**

08 CIV 5969 (GEL)

No answer having been filed and the captioned action having been settled, it is hereby discontinued as to all parties pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure with prejudice but without costs as to any party, subject to re-opening by letter application in the event that the settlement is not consummated within thirty (30) days of entry hereof.

Dated: New York, New York
August 13, 2008

McDERMOTT & RADZIK, LLP
Attorneys for Plaintiff

By:

Handwritten signature of James J. Ruddy in black ink.

James J. Ruddy (IR 6693)
Wall Street Plaza
88 Pine Street 21st Floor
New York, New York 10005
212-376-6400
Ref.: 64-08-882 JJR

SO ORDERED:

Handwritten signature of the U.S. District Judge in black ink.
U.S.D.J.
8/24/08